

COON RAPIDS CITY COUNCIL MEETING MINUTES OF SEPTEMBER 16, 2014

OPEN MIC/PUBLIC COMMENT

No one wished to speak.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of September was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, September 16, 2014, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT THE AGENDA AMENDING ITEM 10, REMOVING ITEM 13 AND ADDING A CLOSED SESSION TO THE END OF THE MEETING. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. ADMINISTER OATH OF OFFICE TO OFFICERS JOSH PIRKOLA AND JUSTIN HOVORKA, NEW POLICE OFFICERS FOR THE CITY OF COON RAPIDS
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Police Chief Wise introduced Josh Pirkola and Justin Hovorka to the City Council as the newest members of the Coon Rapids Police Department. Badges were pinned on the new officers and a round of applause was offered by all in attendance.

Mayor Howe administered the Oath of Office to Officer Josh Pirkola and Justin Hovorka.

2. PROCLAIM SEPTEMBER 16, 2014 AS DR. MICHAEL SLAMA DAY IN THE CITY OF COON RAPIDS

Mayor Howe read a proclamation in full declaring September 16, 2014 to be Dr. Michael Slama Day in the City of Coon Rapids. It was noted the City would be installing a Dr. Michael Slama Mother Baby Drive near the new Mother Baby Center in Coon Rapids.

3. CONSIDER PROCLAIMING OCTOBER 2014 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF COON RAPIDS

Mayor Howe read a proclamation in full declaring October 2014 to be Domestic Violence Awareness Month in the City of Coon Rapids.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- 4. SEPTEMBER 2, 2014, COUNCIL MEETING
 - 5. SEPTEMBER 9, 2014, WORK SESSION
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MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 2, 2014, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2014, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

- 6. APPROVE TEMPORARY ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE CHURCH OF EPIPHANY TO USE ON OCTOBER 11, 2014 BETWEEN THE HOURS OF 5 P.M. AND 11 P.M. CONTINGENT UPON RECEIPT OF BACKGROUND INVESTIGATION REPORT FROM THE POLICE DEPARTMENT AS REQUIRED BY CIT CODE
 - 7. APPROVE RENEWAL CONTRACT WITH ANOKA-HENNEPIN SCHOOL DISTRICT #11 FOR SCHOOL LIAISON AND PREVENTION PROGRAM OFFICER SERVICES
 - 8. APPROVE RENEWAL OF CONTRACT WITH ANOKA-HENNEPIN SCHOOL DISTRICT #11 FOR 2014-20115 SCHOOL LIAISON SERVICES AT RIVER TRAIL LEARNING CENTER
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION

PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

9. OPEN MIC REPORT – WILLIAM TIMLIN – 58 102ND STREET

Mayor Howe discussed Mr. Timlin's comments made during Open Mic at the September 2, 2014 Council meeting.

PUBLIC HEARING

None.

BID OPENINGS AND CONTRACT AWARDS

None.

OLD BUSINESS

10. CONSIDER THE BOARD OF ADJUSTMENT AND APPEALS RECOMMENDATION TO ADOPT RESOLUTION 14-90 AND 14-91 ADOPTING 2014(2) MISCELLANEOUS SPECIAL ASSESSMENTS (CONTESTED MISCELLANEOUS ASSESSMENTS-ONE YEAR)

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-90 AND 14-91 ADOPTING 2014(2) MISCELLANEOUS SPECIAL ASSESSMENTS (CONTESTED MISCELLANEOUS ASSESSMENTS-ONE YEAR). THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

11. CONSIDER AUTHORIZING THE NAMING OF THE PURCHASING CLERK, DEPUTY CLERK AND FINANCE DIRECTOR AS AUTHORIZED PURCHASERS USING THE WELLS FARGO BUSINESS CARD

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO AUTHORIZE NAMING THE PURCHASING CLERK, DEPUTY CLERK AND FINANCE DIRECTOR AS AUTHORIZED PURCHASERS USING THE WELLS FARGO BUSINESS CARD.

Councilmember Sanders recommended that all department heads be approved purchasers for the Wells Fargo Business Card. City Manager Gatlin reported this was a housekeeping matter. He explained that staff would be reevaluating its purchasing process.

THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER NON-RENEWAL OF CHRISTIAN RESTORATION SERVICES RENTAL LICENSE NUMBER 37792 BASED ON MULTIPLE VIOLATIONS OF CITY CODE, MINNESOTA STATE BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL CODES AND ADDENDUM TO RESIDENTIAL RENTAL LICENSE

Councilmember Klint recused herself from discussing this item.

The Staff report was shared with Council.

Neighborhood Coordinator DeGrande reviewed a list of concerns the City had with the sober house property being run by Christian Restoration Services. She explained the City's housing inspector found 44 violations to City Code and nine violations to the addendum between the City and CRS. After further investigation, the number of tenants allowed was being exceeded and background checks were not being completed. Because of this, seven sex offenders were living at the property between 2012 and 2014.

Matt Small, Housing Inspector, further discussed the violations observed by staff at the July 2014 inspection of the CRS property. These concerns included inoperable smoking alarms, expired fire extinguishers, blocked fire escape routes, electrical service panels without State approval, etc. He stated both the interior and exterior of the building lacked proper maintenance.

Police Chief Wise provided comment on the lease addendum noting CRS had housed seven separate sex offenders since January of 2012. He discussed Minnesota State Statute requirements for registering sex offenders. He explained that the property was not completing proper background checks on its tenants.

Community Development Director Nevinski recommended the Council approve the non-renewal of the Christian Restoration Services rental license based on the multiple violations of City Code, Minnesota State building, mechanical, plumbing and electrical codes and addendum to residential rental license.

Marcel Gariten, Christian Restoration Services, provided the Council with a written report. He explained he has been in this business for the past 20 years. He assured the Council that his goal was to keep the community safe. He admitted that background checks were not completed due to financial restrictions. He requested that the City reconsider their position on this matter and allow CRS 30 more days to correct the violations. He wanted a chance to prove himself in the community.

Councilmember Koch asked if background checks would be completed, now that the violations were being addressed. Mr. Gariten explained that background checks were now being completed on all clients.

Mayor Howe requested further information on the intake process for CRS. Mr. Gariten discussed the intake process in detail with the Council. It was noted CRS takes in homeless individuals, completes an initial screening and then runs a background check.

Mayor Howe questioned how many employees worked at CRS. Mr. Gariten reported the facility had 24/7 staffing. He then discussed the staffing level for the building and noted if he was not onsite, he was nearby at his University Avenue office.

Councilmember Manning asked if CRS was a for profit organization. Mr. Gariten reported CRS was a non-profit organization. Michael McQue, Manager of Finance and Operations for Christian Restoration Services, reviewed the profit and loss statement for CRS over the past three years.

Mayor Howe wanted to see the number of police calls to this facility addressed as well. He wanted to see the number of calls reduced and/or minimized.

Councilmember Sanders believed the maintenance and code issues at this facility were appalling. He understood the community had a need for the sober house facility; however, there were life safety issues that were not being properly managed. He was in favor of finding an exit strategy by not renewing the rental license.

Councilmember Koch agreed and was troubled by the number of violations found onsite by the Housing Inspectors. He believed there was a total disregard for the safety of the clientele by the property management. Mr. Gariten explained that he has not received any other warnings.

Councilmember Koch inquired why so many violations were found on the property in comparison to years past. Neighborhood Coordinator DeGrande stated in 2014 the City had a staffing change and Matt Small was hired as the new Housing Inspector. She discussed his expertise in this area and noted investigation and operational changes were made.

Community Development Director Nevinski added that over the past year staff has spent time addressing problematic properties.

Police Chief Wise reviewed the City's addendum with CRS noting it clearly states, the facility will not house sex offenders. He stated it was CRS's responsibility to complete background checks on all

tenants.

Councilmember Wells found it unacceptable that simple background checks were not completed on all clientele.

Councilmember Sanders commented the actions being taken by CRS now were only occurring after a recent housing inspection. He expressed concern with the serious safety issues at the facility.

Mayor Howe asked if Mr. Gariten operated any other housing facilities. Mr. Gariten reported he had been in this business for the past 20 years and has never had any problems until the July 2014 inspection. He provided comment on the expense of completing background checks on each of its tenants, given the fact tenants come and go on a daily basis. He stated that he would have the building fully operational and meeting the City's standards in the next 30 days.

Councilmember Johnson inquired if a formal background search had to be completed for each client. Police Chief Wise stated the City had not described a formal process and noted that even a Google search would have alerted Mr. Gariten of the recent sex offender's actions. Mr. Gariten reported that he was now completing background checks on each tenant.

Councilmember Johnson asked if the utility bill had been paid on the site over the past two years. Neighborhood Coordinator DeGrande reported the 2013 and 2014 utility bills had an outstanding balance of \$6,600. She reported that the unpaid 2013 utility bills had been assessed against the property. She indicated that a representative of CRS paid the 2014 outstanding balance last week.

City Attorney Brodie reviewed the language included in the original intent and purpose of the CRS facility. From a legal perspective, he did not believe the property was operating under its original business model as submitted to the City in 2010.

Mayor Howe read the language within the business plan and asked if each of the clients at CRS had completed a treatment program. Mr. Gariten stated this was not always the case. He reported that most clients have successfully completed one or two treatment programs. However, some are directed to the facility by a social worker.

Councilmember Manning questioned if the property was viewed as a nuisance by the neighboring properties. Police Chief Wise reported that there were no recent complaints from the neighbors. He agreed with the City Attorney that the property was being run differently than the original business model requested by the applicant.

Mayor Howe asked if the rental license Ordinance required inspections on a yearly basis. Neighborhood Coordinator DeGrande reported the 2009 rental license Ordinance changed the program overall and impacted the way inspections were performed by the City.

Mr. Gariten discussed the impact that CRS was having on Anoka County and respectfully requested the Council allow him 30 days to address the violations on his property.

Mayor Howe questioned where the majority of the clientele were from living in the CRS facility. Leya Drabczak, Housing Inspector, explained that the majority of the clientele previously resided in Hennepin County. Mr. Gariten respectfully disagreed with this statement noting that Anoka County funding would not be provided to his facility if the clientele were from Hennepin County.

Councilmember Koch inquired if a provisional license could be approved to allow for all repairs to be made while also requiring CRS to live up to the original intent of its business model.

Councilmember Sanders understood the social good that was being conducted at this facility. However, he could not overlook the neglect that has taken place at the facility both structurally and operationally. He believed that the tenants deserved better and for this reason, suggested an exit strategy be pursued.

Mr. Gariten stated that he could not afford to lose this building. He understood that the building looked bad, but assured the Council that it would be fixed.

Councilmember Koch would support a provisional license.

Mayor Howe asked if the City could approve a 30 day or 60 day provisional rental license. Community Development Director Nevinski did not recall the Council considering a provisional license since the 2009 rental license Ordinance was approved. He further discussed the grievances on the property and noted agreements had not been upheld. He cautioned the Council from proceeding with a provisional license given the staff time that would be needed to properly monitor the site.

Mayor Howe understood the need for the facility, but said the business was not operating under the proposed model and this was endangering both the clientele and community. He recommended the business model be rewritten to more closely define the work that was being done at the facility.

Councilmember Koch agreed with the Mayor's comments and understood the investment that has been made in the facility. He recommended that Mr. Gariten closely evaluate who was being served on the site.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER SANDERS, TO UPHOLD THE NON-RENEWAL OF CHRISTIAN RESTORATION SERVICES RENTAL LICENSE NUMBER 37792 BASED ON MULTIPLE VIOLATIONS OF CITY CODE, MINNESOTA STATE BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL CODES AND ADDENDUM TO RESIDENTIAL RENTAL LICENSE, BASED ON THE FINDING OF FACTS, AND DIRECTING THE PROPERTY TO BE VACATED IN 30 DAYS.

Councilmember Sanders believed the violations on the site were egregious and for that reason, he recommended an exit strategy be discussed by the Council. Community Development Director Nevinski stated 30 days would be a reasonable time period for the property to be vacated.

City Attorney Brodie reviewed the staff recommendations for denial and suggested a fourth finding be added to state the property does not comply with the previously agreed upon conditions.

Councilmember Koch asked how the City would address the concern of squatters in the building after the CRS facility was closed. Community Development Director Nevinski indicated the property does have a long history with squatters. He encouraged the Council to allow staff 15 days to provide the Council with options for addressing this concern.

Mr. Gariten requested the Council allow the facility to remain open for an additional 90 days to allow for the proper placement of his clientele.

Councilmember Manning was in favor of tabling action on this item for one month.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, TO TABLE ACTION ON THIS ITEM FOR ONE MONTH. THE MOTION FAILED 2-4 (JOHNSON, KOCH, WELLS AND HOWE OPPOSED) (KLINT ABSTAINED).

Councilmember Wells was in favor of the Council addressing one issue, mainly the violations on the CRS site, prior to addressing any subsequent issues (i.e. squatters).

THE MOTION PASSED 5-1 (KOCH OPPOSED) (KLINT ABSTAINED).

13. CONSIDER ACCEPTING THE COMPREHENSIVE WATER SYSTEM PLAN

This item was removed from the agenda.

OTHER BUSINESS

City Manager Gatlin invited the Council to attend the Chuck and Don's Pet Food Warehouse Ribbon Cutting Ceremony on Saturday, September 27th at 9:00 a.m.

Councilmember Koch requested staff investigate the construction noise and trench that has been created near Riverview Park.

RECESS

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, TO RECESS THE MEETING AT 8:46 P.M. TO A CLOSED SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

Council reconvened the meeting at 10:17 p.m.

There was no further business to discuss and the meeting was adjourned.

Tim Howe, Mayor

ATTEST:

Joan Lenzmeier, City Clerk